

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

IZZAT FREITEKH,

APPELLANT,

v.

UNITED STATES OF AMERICA,

APPELLEE.

DOCKET NO.:
22-4735

Appellants' Unopposed Motion To Exceed Length Limit
For Joint Opening Brief or Alternatively
to File Separate Briefs

Pursuant to Federal Rules of Appellate Procedure 28 & 32(a)(7)(B)(i) and Fourth Circuit Rules 28(a) & (d) and 32(b), Appellants jointly submit this *Motion to Exceed Length Limit for Joint Opening Brief or Alternatively to File Separate Briefs* and show as follows:

Rule 32(a)(7)(B)(i) mandates that the principal brief be “no more than 13,000 words.” Fourth Circuit Rules 28(a) & (d) require joint appellants to file a joint principal brief absent special circumstances, e.g. adverse positions on appeal. The Appellants’ positions on appeal will be adverse in at least one area: Izzat Freitekh’s arguments regarding the sufficiency of the evidence will allege Tarik Freitekh’s culpability to the exclusion of Izzat and Izzat therefore believes the separate briefing

would be appropriate in this case (though he may still need additional length for a separate brief).

Understanding that joint briefs are disfavored, though, Appellants expect the Court to direct a joint principal brief. Appellants cannot adequately represent their respective positions in a 13,000-word brief. Thus, if the Court requires Appellants to file a joint brief, they request an expansion of the word limit under Rule 32(a)(7)(B)(i).

The present matter, as previously represented to this Court, is a fact- and document-laden case involving allegations of wire and bank fraud as well as money laundering and false statements resulting therefrom. The issues the parties intend to raise are fact-intensive and largely divergent, though there may be some overlap in terms of sentencing issues. Appellants continue to confer as to how to harmonize their positions as much as possible for the Court's benefit, but each will require significant space to stake out his own respective position. Appellants have made an unopposed second motion for extension of time to file their brief primarily for this purpose. Appellants agree that balancing their need to make a complete argument on each issue with presenting concise arguments to the Court will require at least 20,000 words.

Counsel for Appellants have conferred with Assistant United States Attorney

Amy Ray on this extension. The Government does not oppose Appellant's motion, but notes that it requests the same amount of length that Appellants receive for its response brief. Appellants do not object to such an extension.

WHEREFORE, for good cause shown, Appellants jointly move this Court for leave to file the Joint Opening Brief in excess of the mandated 13,000 word limit or, alternatively, to file separate briefs.

This the 6th day of June, 2023.

Respectfully submitted,

/s/ **Mark Yurachek**

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Attorney for Tarik Freitekh

CERTIFICATE OF SERVICE

I certify that I have served the foregoing *Motion for Extension of Page Limit* on opposing counsel by submitting a copy thereof through ECF, to be sent to:

Amy Elizabeth Ray and Jeremy Raymond Sanders
Assistant United States Attorneys

This the 6th day of June, 2023.

Respectfully Submitted,

/s/ Mark Yurachek
Mark Yurachek
Attorney for Izzat Freitekh